

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RENESHA TOMLIN,

Plaintiff,

v.

Civ. No. 24-1163 JB/GBW

STATE OF NEW MEXICO, *et al.*,

Defendants.

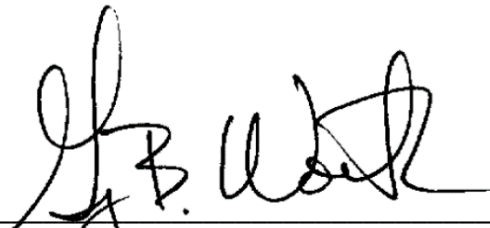
**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff's Reply to Order to Show Cause and Motion for Alternative Service & Leave to Amend Complaint. *Doc. 30*. On February 27, 2025, the Court issued an Order to Show Cause due to Plaintiff's failure to serve Defendants Linda Johnson-Hopkins, Helen Smith, Melanie Hubka, Peter Tasso, or Elizabeth Hahn. *Doc. 28*. In response to the Court's Order, Plaintiff demonstrated that she has served Defendants Linda Johnson-Hopkins, Helen Smith, and Melanie Hubka. *See doc. 30* at 7-12. Plaintiff states that she "has diligently attempted to serve the remaining [D]efendants," Peter Tasso and Elizabeth Hahn, but has been unable to serve them. *Id.* at 3. She requests the Court's leave to serve the remaining Defendants by alternative means. *Id.* Plaintiff does not indicate what attempts at service have been made. *See id.*

Rule 4 of the Federal Rules of Civil Procedure authorizes service on an individual by methods permitted by state law in the state where the district court is located. Fed. R. Civ. P. 4(e)(1). The New Mexico Rules of Civil Procedure outline the different mechanisms used to serve process to an individual in NMRA 1-004(F). The New Mexico Rules permit alternative forms of service “[u]pon motion, without notice, and showing by affidavit that service cannot be reasonably be made as provided by this rule.” NMRA 1-004(J). Plaintiff has not shown by affidavit that the hierarchy of mechanisms outlined in NMRA 1-004(F) has been exhausted. Thus, the Court cannot authorize alternative service.

Plaintiff is therefore again directed to show cause why her case should not be dismissed without prejudice as to the unserved Defendants for failure to comply with the service and time provisions of Rule 4(m). Plaintiff’s response to the Court’s Order to Show Cause should be filed no later than **May 8, 2025**.

**IT IS SO ORDERED.**



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GREGORY B. WORMUTH  
CHIEF UNITED STATES MAGISTRATE JUDGE